

## **REMARKS**

### **Claim Rejections**

Claims 16-22 are rejected under 35 U.S.C. § 102(b) as being anticipated by Gray (US-5,284,131).

### **Drawings**

It is noted that no Patent Drawing Review (Form PTO-948) was received with the outstanding Office Action. Thus, Applicant must assume that the drawings are acceptable as filed.

### **Claim Amendments**

By this Amendment, Applicant has canceled claims 23-30 and has amended claims 16, 18, 21 and 22. It is believed that the amended claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art.

The cited reference to Gray discloses a therapeutic exercise device for legs including a frame (6) including tubular elements (8, 12), pedals (50) connected to the frame, a frame portion (30) connected to the frame and having leg support straps (32). The therapeutic exercise device is designed for use by a person in a wheelchair (4), wherein the person's legs are strapped by the leg support straps and feet are positioned in the pedals, wherein the pedals are rotated by the motor.

Gray teaches the pedals rotatably connected to the frame, but does not teach adjustably moving the pedal up and down repeatedly under a load for exercising by slipping the pedal over a plurality of upright posts on a surface of a plate seat, and moving the pedal up and down by an electric motor. Gray does not teach the burdening step includes a load bearing rack provided on the upright posts; nor does Gray teach the step of moving includes adjusting an amplitude of the up and down motion of the pedal.

It is axiomatic in U.S. patent law that, in order for a reference to anticipate a claimed structure, it must clearly disclose each and every feature of the claimed structure. Applicant submits that it is abundantly clear, as discussed above, that Gray does not disclose each and every feature of Applicant's amended claims and, therefore, cannot possibly anticipate these claims under 35 U.S.C. § 102. Absent a specific showing of these features, Gray cannot be said to anticipate any of Applicant's amended claims under 35 U.S.C. § 102.

It is further submitted that Gray does not disclose, or suggest any modification of the specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Thus, it is not believed that Gray renders obvious any of Applicant's amended claims under 35 U.S.C. § 103.

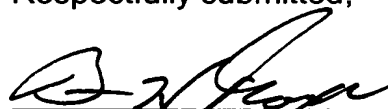
**Summary**

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

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By:



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